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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,707

04/02/2004

Hideyuki Shimizu

450100-05006

1203

7590

03/21/2006

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EXAMINER

AMIN, JWALANT B

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,707

Applicant(s)

SHIMIZU, HIDEYUKI

Examiner

Jwalant Amin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
2. This application contains claims directed to the following patentably distinct species:
 - I. Species of Figs. 3 and 10 that illustrate pictures having linear boundary rotationally moving outside of a display area.
 - II. Species of Fig. 17 that illustrate fractionated pictures having linear boundary translated to disappear outside of a display area.
 - III. Species of Fig. 24 that illustrate fractionated pictures having wavy boundary translated to disappear outside of a display area.
 - IV. Species of Fig. 33 that illustrate picture processed with a rebound effect moving to a mid portion of a display area.
3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.
4. Should applicant traverse on ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior

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art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. During a telephone conversation with Mr. William Frommer on March 8, 2006 a provisional election was made with traverse to prosecute the invention of species of Fig. 24, claims 18-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-17 and 23-27 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

6. Claim 21 is objected to because of the following informalities:

- The word "device" in the phrase "said address signal generating device" should be changed to "method".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An address signal generating program per se, not stored on a computer-readable medium is non-statutory subject matter. For prior art rejection, the examiner interprets an address signal generating program is stored on a computer-readable medium.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al. (US Patent No. 5,521,648; hereinafter referred to as Shiraishi) and in view of Dreamsuite Auto FX Software

(http://web.archive.org/web/20021011052058/http://www.autofx.com/dreamsuite/effect_pages/deckle.html); hereinafter referred to as Dreamsuite).

11. Regarding claims 18 and 20, Shiraishi teaches a special effect device and an address signal generating device (col. 1 lines 7-9; image transforming apparatus corresponds to special effect device; image transforming apparatus also functions as an address signal generating device) for reading out picture signals from a frame buffer to impart a desired special effect (col. 1 lines 7-9; video signals corresponds to picture signals; gives special effects to video signals corresponds to imparting a desired special effect), comprising address signal generating means for generating readout address signals of the picture signals stored in frame buffer (col. 3 lines 3-6; image data corresponds to picture signals; frame memory corresponds to frame buffer; read address generator corresponds to address signal generating means) so that a special effect will be produced in which a picture corresponding to the picture signals stored in

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said frame buffer is fractionated into plural partial pictures (Fig. 2, col. 2 lines 13-15, col. 3 lines 18-19; burst effect corresponds to special effect; scatter corresponds to fractionated; picture elements corresponds to plural partial pictures), said partial pictures being translated so as to disappear to outside the display area (col. 5 lines 30-34; scatter from the center of effect toward the outside corresponds to partial pictures being translated to disappear to outside the display area).

Shiraishi discloses all of the claimed limitations as stated above, except that, the fractionated pictures have a wavy boundary line, defined by a preset function. However, Dreamsuite teaches deckle effect to create fractionated partial pictures using Bezier Path tools (pg. 1 last paragraph, pg. 2 paragraph 2; Bezier Path tool corresponds to preset function; create two outward facing rips corresponds to fractionating pictures; Figure at the bottom right of pg. 2/Figure at the top left of pg. 3 shows fractionated pictures with wavy boundary; the deckle effect as applied to these figures will create an animated effect of partitioning a picture as shown in the figures). Therefore, it would have been obvious to one of ordinary skill in art at the time of present invention to modify the burst effect as taught by Shiraishi by applying the deckle effect as taught by Dreamsuite to create special effects with fractionated pictures having wavy boundary because using such modified special effect would allow the user to create rips along the side of along the side of an image or even tearing holes in a photo or paper (pg. 1 3rd line under Deckle) and removing the image on either side of the Bezier path (pg. 1 last line).

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12. Regarding claim 21, in addition to the statements presented above for claim 20, Shiraishi teaches an image transforming apparatus performing special effecting process to give special effects to video signal (col. 1 lines 7-9; image transforming apparatus performing special effecting process corresponds to address signal generating method).

13. Regarding claim 22, the statements presented above for claim 20 are incorporated herein.

Shiraishi teaches all of the claimed limitations as stated above, except that the address signal generating process is executed by an address signal generating program. Shiraishi teaches to execute the process using a dedicated hardware system. However, Dreamsuite teaches to use software to perform special effects (pg. 1 Dreamsuite Series one product corresponds to a computer program). Therefore, it would have been obvious to one of ordinary skill in art at the time of present invention to use a computer software program as taught by Dreamsuite to execute the burst effect as taught by Shiraishi to create special effects because a software program is portable and thus it could be used to create special effects in a computer system without a dedicated hardware.

Allowable Subject Matter

14. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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15. The following is a statement of reasons for the indication of allowable subject matter:

- Regarding claim 2, the prior art fails to show the preset function F defines the wavy boundary of fractionated partial pictures, where function $F(x)$ is represented as $F((y1 - \text{fixphase}) \times \text{fixFrequency})$.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jwalant Amin whose telephone number is 571-272-2455. The examiner can normally be reached on Monday - Friday 9:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
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*** J.A.
3/13/06